IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.603 OF 2005
IN
SUMMARY SUIT NO.1948 OF 2005

Kirti J.Bhatt ..Plaintiff

Vs.

A.C.Goel Paper Distributing Co.P.Ltd. ..Defendants

Mr.S.Purohit i/b Dhruve Liladhar and Co. for the plaintiff

Ms.K.A.Shah i/b A.G.Shah for the defendants

CORAM : S.U.KAMDAR, J
DATED : 3RD MARCH, 2006

P.C.:

1. The present suit is based on a sale of replenishment licence for the import of the goods and the invoice in support thereof is relied upon. In my opinion, it does not form any written contract on which summary suit can be maintained. A licence is an entitlement under import-export policy. Merely because the licence entitlement is transferable it cannot be treated as a goods sold and delivered. In view thereof, unconditional leave is granted. Summons for judgment is

dismissed accordingly.

2. Suit to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.